

**In the United States District Court  
for the Southern District of Georgia  
Brunswick Division**

FILED  
U.S. DIST. COURT  
BRUNSWICK DIV.

2005 JUL 12 A 11:35

CLERK *J. Salvatore*  
SO. DIST. OF GA.

UNITED STATES OF AMERICA, : CRIMINAL ACTION  
v. :  
ROBERT EARL JOHNSON, JR., :  
Defendant. : NO. CR202-032

O R D E R

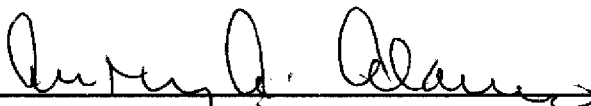
On February 10, 2005, finding that Defendant, Robert Earl Johnson, Jr., had violated the conditions of his supervised release, the Court revoked his supervised release and sentenced him to 24 months incarceration. Presently before the Court is Johnson's Application for Review of Sentence.

Rule 35 of the Federal Rules of Criminal Procedure authorizes a district court to correct or reduce a sentence under two circumstances: (a) within 7 days after sentencing in order to "correct a sentence that resulted from arithmetical, technical, or other clear error;" or (b) "[u]pon the government's motion" if the defendant provided substantial

assistance in the investigation or prosecution of another individual. Fed. R. Crim. P. 35(a), (b).

Absent a motion by the Government, the Court had until February 17, 2005, to correct any alleged defects in the imposition of Johnson's sentence. As that time has expired, and the Government has not filed a Rule 35(b) motion, Johnson's motion seeking to reduce his sentence (Doc. No. 52) is **DENIED**.

SO ORDERED this 11<sup>th</sup> day of July, 2005.

  
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JUDGE, UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA